

REMARKS**A. Status of the Claims and Explanation of the Amendments**

Applicants have requested cancellation of all 39 original claims in this amendment. The cancellation of these claim is made without prejudice or disclaimer, and Applicants hereby reserve the right to file and to prosecute to allowance claims directed towards the cancelled subject matter in subsequent continuation applications.

In the previous Office Action, the Examiner objected to claims 2 - 4 for being dependent on a rejected base claim, but indicated that these claims would be allowable if rewritten in independent format. In this amendment, Applicants have rewritten claims 2 and 4 in independent format as suggested by the Examiner. More specifically, new independent claim 40 corresponds to claim 2, while new claim 85 corresponds to claim 4. Claim 3, which is also allowable, is now rewritten as claim 41, which depends from claim 40.

The previous Office Action also indicates that “the embodiments of the invention comprising a plurality of therapeutic or cosmeceutical agents listed in the specification, including BOTOX (botulinum toxin) molecules, attached to a negatively charged backbone and complexed with a positively charged backbone and a second negatively charged backbone (claims 2 - 4) are free of the art or record” [Office action, page 2, lines 11-15]. Accordingly, in this amendment, Applicants have added claims 41-84, which are dependent claims from allowable claim 40 that recite preferred therapeutic and cosmeceutical agents as disclosed in Applicants’ specification. Support for these new dependent claims is found, for example, in the section of the original specification beginning at line 20 of page 15 and ending at line 8 of page 17.

The Office Action also indicates that the elected group/species is free of the art [see Office Action, page 2]. Accordingly, Applicants have added claims 86-89, which are

directed to this species. New independent claim 90 claims a kit containing the allowable subject matter of new independent claim 40, while new claims 91-137 are the kit claims corresponding to the allowable species, as set forth in page 2 of the Office Action. Support for these claims is found on pp. 15-19 of the original specification.

In view of the amendments and claim cancellations presented herein, the rejections under 35 U.S.C. §§ 112, 102, and 103 set forth in the previous office action are moot. Because all of the newly presented independent claims contain allowable subject matter, Applicants respectfully submit that these independent claims are allowable, as well as the corresponding dependent claims.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **50-3732**, Order No. 13720-105065US1. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-3732**, Order No. 13720-105065US1.

Respectfully submitted,
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Dated: April 4, 2007

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